



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Abdolreza Cheshmehdoost et al
Serial No: 10/003,177
Filing Date: November 2, 2001
Title: TORQUE SENSING APPARATUS AND METHOD
Examiner: Max H. Noori
Art Unit: 2855
Conf. No: 6518
Docket No. DYOUP0206USA

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petition hereby is made for any extension of time needed to make timely the filing of the accompanying Request for Continued Examination (RCE) and Reply. The Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0988 under the above Docket Number.

It is believed, however, that no further extension of time is needed. The last Office Action (mailed March 5, 2004) is marked as non-final on the Office Action Summary sheet. The Image File Wrapper (see enclosed printout from the PAIR system) identifies the Office Action as a "Non-Final Rejection." In accordance with these indications of non-finality of the last Office Action, a Reply with a petition for a one month extension of time was mailed on July 6, 2004. Had the last Office Action been non-final as indicated, the Reply would have advanced prosecution of the application without further filing within the statutory period for response.

At the time of filing the Reply, the undersigned representative believed that the non-final status of the action was appropriate (see page 2 of the Reply). Proceeding on a cautious basis, the Reply was mailed to mail stop AF with the intention that the Reply would receive expedited processing, no matter the status of the Office Action. Such was not the case. In fact, according to PAIR, written communication from the Office

was not mailed until the statutory deadline for response of September 7, 2004, which is two months after the date of the Reply.

The undersigned representative called the Examiner on September 1, 2004 and learned then that the Examiner was treating the Office Action as final based on numbered paragraph four of the Office Action and that an Advisory Action could be expected at some time in the future. Had the finality of the Office Action been appropriately marked by the Office, the Office Action would have been addressed in a different manner that would have avoided the need for a three month extension of time (and even the filing of an RCE).

Learning that the Examiner was not treating the Office Action as non-final as marked and as identified in the IFW, the accompanying RCE is being filed to advance prosecution and avoid abandonment of the application. For the above reasons, no further extension of time is believed necessary. If the Office disagrees, petition is hereby made for any needed extension, and the fee can be charged to our Deposit Account No. 18-0988 under the above Docket Number.

Respectfully submitted,

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By



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